

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

FILED: _____

STATE OF ARIZONA

MICHAEL G BAILEY

v.

ELTON ROY HARLEY
DOB: 03/26/1942

JOSEPH A STAZZONE

APO-SENTENCINGS-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
MCSO-ATTN RECORDS MANAGER
VICTIM WITNESS DIV-CA-CCC

SENTENCE OF PROBATION AND IMPRISONMENT

9:05 a.m. State is represented by Michael G. Bailey.
Defendant is present and represented by Joseph A. Stazzone.

Court Reporter, Lorraine Chalkey, is present.

The Defendant is advised of the charge, the determination
of guilt and is given the opportunity to speak.

The victim's family is given the opportunity to address the
Court.

THE COURT FINDS that reasonable efforts have been made to
give the victim notice of the plea proceeding and an opportunity
to be heard.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of GUILTY.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following crime(s) as set forth on the following page(s), that upon due consideration of all the facts, law and circumstances relevant herein, the Court finds that suspension of sentence and a term of probation is appropriate as to Count(s) 14; and that a sentence of imprisonment with the Department of Corrections is appropriate as to Count(s) 2 and 11.

THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for the term as indicated. These circumstances are stated by the Court on the record.

AS PUNISHMENT, IT IS ORDERED that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

OFFENSE: COUNT 2: SEXUAL CONDUCT WITH A MINOR, A DANGEROUS CRIME AGAINST CHILDREN IN THE FIRST DEGREE

FELONY CLASS: 2 NONREPETITIVE

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

IN VIOLATION OF A.R.S. SECTIONS 13-1401, 1405, 3821, 604.01,
702, 801, 31-281

DATE OF OFFENSE: ON OR BETWEEN FEBRUARY 1, 2000 AND MAY 1, 2000

SENTENCE: 20 YEARS (FLAT)

PRESUMPTIVE

NONDANGEROUS

This sentence is to date from February 7, 2002.

The Defendant is to be given credit for 234 days served
prior to sentencing.

OFFENSE: AMENDED COUNT 11: ATTEMPTED SEXUAL CONDUCT WITH A
MINOR, A DANGEROUS CRIME AGAINST CHILDREN IN THE SECOND DEGREE

FELONY CLASS: 3 NONREPETITIVE

IN VIOLATION OF A.R.S. SECTIONS 13-1401, 1405, 3821, 701,
604.01, 801, 902, 1001, 31-281

DATE OF OFFENSE: JUNE 2000

SENTENCE: 10 YEARS (FLAT)

PRESUMPTIVE

NONDANGEROUS

This sentence is to date from Defendant's release from
prison in Count 2 of this cause.

The Defendant is to be given no credit for days served
prior to sentencing.

This sentence is to be consecutive to Count 2.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

IT IS FURTHER ORDERED that the Defendant shall serve one day for every seven days of the sentence imposed under the supervision of the Community Supervision Program, to be served consecutively to the actual period of imprisonment.

IT IS FURTHER THE JUDGMENT OF THE COURT that the Defendant is guilty of the crime of:

OFFENSE: COUNT 14: SEXUAL ABUSE, A DANGEROUS CRIME AGAINST CHILDREN IN THE SECOND DEGREE, a class 3 FELONY, nondangerous and nonrepetitive offense in violation of A.R.S. Sections 13-1401, 1404, 3821, 604.01, 702, 801, 902, 1001, 31-281 committed ON OR ABOUT JANUARY 21, 2001.

Upon consideration of the offense, the facts, law and circumstances involved in this case, the Court finds that the Defendant is eligible for probation. The specific reasons for the granting of probation are stated by the Court on the record.

As punishment for this crime(s),

IT IS ORDERED suspending imposition of sentence and placing the Defendant on probation as to Count(s) 14 for a period of life commencing upon Defendant's release from custody under the supervision of the Adult Probation Department of this Court, in accordance with the formal Judgment and Order suspending sentence and Order imposing terms of probation signed by the Court.

IT IS ORDERED that the Defendant pay a monthly probation service fee to the Clerk of the Superior Court of Maricopa County at a rate of \$40.00 commencing on February 1, 2030 and due on the same day of each month thereafter during the term of probation.

Special Terms:

#17(f): Sex Offender Terms and Conditions.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

IT IS ORDERED granting the Motion To Dismiss Counts 1, 3, 4, 5, 6, 7, 8, 9, 10, 12 and 13.

The written terms and conditions of probation are handed to the Defendant for explanation, acceptance and signature. The Defendant agrees to the stated waiver of extradition. The Defendant is advised concerning the consequences of failure to abide the conditions of probation.

The Court advises Defendant of the rights of review and provides written notice of those rights.

IT IS ORDERED authorizing the Maricopa County Sheriff to deliver Defendant to the Arizona Department of Corrections.

ISSUED: Order of Confinement.

IT IS FURTHER ORDERED releasing the Defendant as to Count 14 in this cause only.

ISSUED: Order of Release.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this order together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

FILED: Conditions of Probation and Notice of Rights of Review after Conviction.

Pursuant to A.R.S. § 13-3821(I), notification is made to the Sheriff of Maricopa County, Arizona.

cc: DOC - Certified Copy via Certification Desk

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

cc: MCSO-DIS - Certified Copy via Certification Desk

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
02/11/2002

02/07/2002

CLERK OF THE COURT
FORM R189B

HONORABLE ROBERT L. GOTTSFIELD

Y. Vu
Deputy

CR 2001-009319

Defendant's thumbprint is permanently affixed to this
sentencing order in open court.

9:27 a.m. Matter concludes.

/s/ HONORABLE ROBERT L. GOTTSFIELD
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)